

## **REMARKS**

Applicant's undersigned attorney would like to thank the Examiner for the careful consideration given the present application and for taking the time to discuss the application.

In the present amendment, claims 1 and 6-13 have been cancelled. Claims 2, 3, 5 and 14 have been amended, and new claim 17 has been added. Claims 2-3, 5, and 14-17 are now presented for examination. Reconsideration of the application in its current form is requested.

Claim 2 has been amended to more clearly specify that the damper mounting portion includes a temporary fixing means having a locking projection that cooperates with and engages a locking bore in the vehicle body to temporarily fix the damper to the vehicle body from below the body. Due to this simple temporary fixing means, the damper can be temporarily fixed to the vehicle body. With this arrangement, the damper is temporarily fixed to the vehicle body via the temporary fixing means and, in this state, the damper is fixed to the vehicle body from below. Therefore, two workers, as required in the prior art, are not necessary for such mounting. Rather, with the invention defined in claim 2, a single worker can mount the damper to the vehicle body, thereby enhancing assembling efficiency. Especially, the temporarily fixed damper is not dropped even if the worker releases his grasp on it, further facilitating assembly and mounting of the damper to the vehicle.

The rejections of claims 1, 6, and 13 as being anticipated by US 5,009,401 to Weitzenhof is considered moot insofar as these claims have been cancelled in the

present amendment.

Claims 2, 3, 5, 7-12, and 14-16 stand rejected as being unpatentable over Weitzenhof in view of US 6,161,822 to Hurst. For the following reasons, the Examiner's rejections of pending claims 2, 3, 5 and 14-16 are traversed.

Weitzenhof teaches a suspension system for an automobile. Specifically, Weitzenhof teaches a shock absorber strut with a fluid pressure chamber and flexible diaphragm. The flexible diaphragm is partially disposed inside of a cutaway can that is mounted on the strut. By restricting outward expansion of a portion of the flexible diaphragm, a lateral force is exerted on the strut. This force counteracts the lateral forces acting on the strut due to off-center mounting of the strut with respect to the point of contact of the vehicle wheel with the pavement. This results in better drivability and performance of the automobile.

Hurst teaches assembling a damper upper mount assembly by fixing an upper plate 18 to a lower plate 20 (Fig. 2). The lower plate 20 includes projections or tabs 39 that are received over associated projections or tabs 41 on the upper plate 18. Once the plates are rotated to bring the tabs into engagement, the upper and lower plates 18, 20 are fixed together by fasteners 44. It is again specifically pointed out that this structure and method relates to assembly of the damper, not attachment of the damper to the vehicle. In this regard, the Examiner is referred to Col. 3, lines 60-62 of Hurst. It is further noted that the interlocking tabs or projections taught by Hurst do not include or suggest a locking projection that is received in an opening (see claim 5). Once the damper is assembled, the damper is attached to a tower 15 of the vehicle body by trapping the tower between a washer 17 and an upper plate 18 (Col. 2, line 64 to Col. 3, line 1) by tightening a nut 75 onto

a bolt 74.

In the Office action, the Examiner relies upon elements 39, 41 of Hurst to show the claimed temporary fixing means. However, elements 39, 41 of Hurst serve to fix the upper and lower plates 18, 20 of cushion assembly 22 together and not at all to fix such cushion assembly 20 to a vehicle body or tower 15. In contrast, amended claim 2 specifies that the temporary fixing means fixes the damper to the vehicle body. Moreover, claim 2 requires that such fixing be done from below the vehicle body, and that when the damper mounting portion and vehicle body are temporarily fixed together, the bolt bores formed therein are aligned with each other so that the fasteners are installed in the mounting portion and body from below the body. Hurst fails to teach or suggest that bolt bores for fastening of the cushion assembly 22 to the vehicle tower 14 are aligned with each other when their temporary fixing is done.

Accordingly to the invention defined in amended claim 2, therefore, the damper is temporarily fixed to the vehicle body from below the vehicle body by the temporary fixing means. Only the operation to insert a locking projection into a locking bore and engage them together is required for such temporary fixing. Thus, the operation is very simple. When the temporary fixing operation is complete, the bolt bores for fastening of the damper mounting portion to the vehicle body are already aligned with each other. Thus, the subsequent fastening operation can be carried out very easily.

Accordingly, Hurst teaches a structure and method for assembly of an upper mount of a damper. However, Hurst does not teach or suggest a structure and method for securing a damper to a vehicle body frame, which is the subject of the

present invention. Hurst does not teach or suggest that "the damper mounting portion includes a temporary fixing means having a locking projection that cooperates with and engages a locking bore in the vehicle body to temporarily fix the damper to the body", as required by claim 2. Simply put, the cooperating tabs or projections of Hurst are not used to mount the damper to a vehicle body frame, but rather are used to assemble the damper itself.

As this feature (temporary fixing means to temporarily fix the damper to the vehicle body) is also missing from Weitzenhof, as acknowledged by the Examiner, it is respectfully submitted that even if the references were combined, the present invention would not result. Thus, the Examiner has failed to provide a *prima facie* case of obviousness, and the rejections of claims 2, 3, and 14 should be withdrawn.

Moreover, it is noted that the references are directed toward solving different problems and that there is no motivation for combining the references. Specifically, Hurst teaches away from the claimed invention. Hurst teaches that a single connection will be used to join the shock absorber strut to the vehicle. The "[a]ttachment is accomplished by means of a single point connection since it occurs simply by means of the nut 75 being threaded onto the stud 74. No other fasteners are required to attach the mount 16 to the vehicle tower 15" (Col. 4, lines 55-59). Insofar as the present invention, as defined in claim 2, uses plural attachment means (temporary fixing means and fasteners) to secure the damper to the vehicle, it is offered that Hurst explicitly teaches away from the arrangement of the present invention. Thus, for this further reason reconsideration and withdrawal of the rejections of claims 2, 3, and 14 is requested.

With reference to method claim 5, it is noted that the references, either

alone or in combination, do not teach the particular method steps set forth therein.

Neither Hurst nor Weitzenhof teach or suggest the steps of:

- (a) inserting said damper into said opening from below;
- (d) *rotating said damper such that said locking projection moves relative to said locking bore and is disposed adjacent said lower member upper surface and out of alignment with said locking bore to temporarily secure the damper to said vehicle body frame while simultaneously moving said mounting portion bolt bore into alignment with said lower member bolt bore; (emphasis added)*

In this regard it is again pointed out that Hurst teaches that the plates 18, 20 are attached to one another using 'temporary fixing means' prior to installation into the vehicle. More specifically, in Hurst, the plates 18 and 20 are secured to one another using the interlocking tabs, and then are fixed together by a plurality of fasteners 44 before assembly to the vehicle tower 15 (Emphasis added; Col. 3, lines 60-61).

Therefore, it must be concluded that the claimed unique steps of mounting a damper to a vehicle body frame by using a locking projection and a locking bore and simultaneously moving the bolt bores formed in the mounting portion and the vehicle body frame into alignment with each other have not been taught or suggested by the cited art. Therefore, even if Hurst were combined with Weitzenhof, the method of claim 5 would not result. Rather, further modification of the method would be required to arrive at the present invention.

Keeping in mind that Weitzenhof and Hurst are directed toward different types of structures, and solve different problems, it is submitted that there is no motivation or suggestion in the art to support the combination and modification of references necessary to arrive at the invention defined in claim 5. Accordingly, reconsideration and withdrawal of the rejection of claim 5, and the claims that

depend therefrom, is requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. OCH-15285.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By /David E. Spaw/  
David E. Spaw, Reg. No. 34732

4080 Erie Street  
Willoughby, Ohio 44094-7836  
(216) 566-9700